

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
FEBRUARY 24, 2021
HELD ONLINE VIA ZOOM APPLICATION

Commission Members Present: Michael Timmons, Chair, William McFarland, James Kelley, Jr., and Richard Shiers

Commission Members Absent: Edward Kelleher

Staff Members Present: AAG, Ron Guay, AAG, Henry Jennings, Carol Gauthier, Miles Greenleaf, Jaime Wood, and Dr. Zachary Matzkin

1. **Call the Meeting to Order and Introductions:** Michael Timmons, Chair
2. **Review and Approval of Minutes**
Commissioner Shiers made a motion to approve the minutes of November 20, 2020, November 23, 2020, December 11, 2020 and February 8, 2021. Commissioner Kelley seconded. Vote 3-0. Commissioner McFarland was not present for the vote.
3. **Annual Appointment of the Sire Stakes Advisory Committee. Commission rule, CMR 01-017, Chapter 9 requires the Commission to appoint a Sire Stakes advisory committee annually to assist in promoting the program. The Department will submit a list of persons who are interested and who meet the criteria for serving.**
After a brief discussion on the list presented to the Commission, Commissioner Shiers moved the list (Diann Perkins, MSBOA; Gunner LaCour, First Tracks Investments, LLC; Steven Wilson, MSBOA; Scott McKenzie, Owner; Gary Mosher, Owner; Michael Hopkins, Bangor Historic Track; Paul Verrette, Race Secretary; Barry Norris, Maine Association of Agricultural Fairs, and William Phipps, Owner). Commissioner Kelley seconded. AAG, Guay called the roll call vote.

RECORD ROLL CALL VOTE

Motion:

To approve the appointment of the Sire Stakes Advisory Committee.

Michael Timmons	YEA
Richard Shiers	YEA
James Kelley, Jr.	YEA
William McFarland	NOT PRESENT
Edward Kelleher	NOT PRESENT

Motion passed 3-0.

4. **Rulemaking Hearing to Receive Comments Relative to the Proposed Amendments to Commission Rules Chapter 7, 9, and 13. The Commission will entertain comments relative to the proposed amendments to Chapters 7, 9, and 13. Written comments must be received no later than the close of business on March 8, 2021.**
Henry Jennings gave an overview of the proposed changes to Chapter 7, 9, and 13. Commissioner Timmons asked for any comments on Chapter 7. Scott McKenzie stated that the 1st and 2nd place finishers should not be penalized. The percentages should be 49%,

24.5%, 11.5%, 7.5%, 4.5%, and 3%. Diann Perkins stated the percentages should go back to 5. Mr. McKenzie agreed with Mrs. Perkins unless there was a change. Michael Cushing stated it was not a pandemic situation to pay back 6 places. Golden Bear had done it out there with some success and the board had discussed this with their membership and they were okay with making it permanent. Michael Sweeney stated on page 4 trotting hobbles. The trotter would have had at some time in its career to qualify with and without hobbles in order to switch back and forth. Section 30, the horse scratches out from the 6, 7, and 8 hole there should be an exception made for horses that scratch sick or lame to be assigned those positions. Page 19, coupling rule. You have 10 horses who enter the class and 3 horses trained by the same person and those 3 horses have a better preference date, then do all 3 of those horses draw into the race or is preference still apply. Charles Eaton stated on page 22, section 46, subsection 3 duties of the trainer. Under "A" once a horse has been drawn into a race it is the responsibility of the trainer or, in the absent of the programmed trainer. Under "B" states the trainer shall be present in the paddock. It's contradicting to him that in section "A" you can designate a groom or anybody to take responsibility for the trainer and in section "B" the trainer should be present in the paddock at all times. Then you go to section "F" you talk about the horse leaving the paddock and the trainers responsible, but you're allowing a groom to be responsible in section "A" so it's a little confusing who's responsible at all times; and if so, what would be a level violation to have the leverage against that person. Barry Norris stated on page 24 leaving the paddock should remain in the paddock it should be the word "shall" and not should. Mrs. Perkins stated under section 31, page 18 to 19 coupling rule. The first section that was scratched out comes directly from the USTA. The paragraph that they did put in because it does mention 3 horses coupled and then it's going to conflict with what's in Chapter 9. What was taken out it talks about 2 or more horses in the new rules they put in talks about 3 horses. Page 16 declaration under "A" needs to be reworded. When they put biological samples, what are they talking about urine, blood, hair on page 23 under F, and at the very end of that last sentence it says a test is requested by a state veterinary, state steward and any licensed official. What do they mean about any licensed official? Under drivers' colors page 24 section 50 it refers to an owner's colors. She didn't realize owners have colors but she's not sure. Dan Chamberlain stated in section 54 page 27 under whipping. Comment on whips themselves. You put it down as only black whips that's not true in all jurisdictions. On the snappers 6 inches, the whips come in the standard snapper is dying from all of the companies. He never sold a 6-inch whip in 20 odd years. Leather may be used. Protecto came out with a flat snapper it's made out of either leather or synthetic material. Pam Merrill stated on page 3 section 7, she would like to eliminate "G" makes a break on a next race after a qualifying race. She thinks it should be 2 breaks after a qualifying race. Ron Merrill stated section 16. H, page 6 quirkion rule. This is not an old rule it's less than 10 years old. He would like to know why it is left out. Diann Perkins stated on page 25 section 52 about the 15-year olds going into the paddock. Mr. Jennings stated it was in there twice and he was cleaning it up. Commissioner Timmons asked for comments on Chapter 9. Mr. McKenzie stated in section 6, page 6 regarding coupling entries. He thinks this is a bad thing to do. Ron Cushing stated he echoes what Mr. McKenzie said and he thinks this proposal will not benefit their program whatsoever. Carolyn Corso stated she would add to this, and they have tried as best as they could to divide by owner and then by trainer when they have a draw for sire stakes races. In Chapter 7 you are following the ARCI language, only if there are 3 would there be coupling or separation. Let's just coordinate between Chapter 7 and Chapter 9 which ever way the Commission goes because right now Chapter 9 says no coupling and Chapter 7 says only if there are 3. If they could also go to regarding well slips. She would say that well slips were expected every time they did a stakes draw for the past few years. The well slips come from a private veterinarian caring for the horse. It's a safety issue and they should know if a stakes horse is prepared to race safely that they are no longer sick or lame. Mike Sweeney

stated he loves Ms. Corso's comments regarding coupling. He is also in agreement with Mr. McKenzie's and Mr. Cushing's comments. On well slips, Maine Sire Stakes races have always had a privilege that overnight races have not. If a horse scratched out sick or lame they just needed to have a well slip in order to get back in. The reason for that is they have a very limited opportunity to race within their program. Generally, these races go week to week and if a horse had to sit out 7 days because they scratched lame they would miss at least one opportunity to race. The other comment was the 45-day rule. The proposal to delete the requirement for stakes horses to comply with the 45-day rule that's a slippery slope they are getting on. Mrs. Perkins stated on the 45-day rule that was just put in recently. They would like this taken out of Chapter 9.

Commissioner Timmons stated they would take comments on Chapter 13. Mr. Sweeney stated he went through the proposal and he is in favor of just about everything in this chapter. The only question he had dealt with on page 3 regarding the minimum wagers and showing a \$1.00 minimum wage exacta box. The proposal he put forward was a 50-cent exacta box minimum. Mr. Jennings stated to Mr. Sweeney do you feel there's a structure there that rides to the level of regulation necessary at the same time giving the flexibility that the tracks and the wagering public look for. Mr. Sweeney stated absolutely. They are dealing with computerized tote systems these days instead of mechanized tote systems. Theresa Rice stated this is keeping up with the new commercial track coming in as well as Penn National. This is what they have for bets. Most of these bets will probably not be used. She thinks they are here for Penn National and their betting. These will not be used at any of the fairs. These have been on the books for a while at least the last 12 years since she's been doing this. There were a couple of things that she didn't like that did get taken out. The bonding of the mutual directors. If you're talking about the commercial track they're going to be bonded through the commercial track. But as an independent mutual director working at a fair that bonding needs to stay in place for the security of the fair. The other thing for the methods of payment they're offering now not just cash because they are offering online gambling now where people will be using credit cards. Credit cards will not be used at the fairs. The fairs pay the pool and they do not have carryover at fairs. Chris McErlean stated it's modernizing the chapter on wagering. A lot of this comes from the ARCI model rules. It provides flexibility and options for the racetracks and the fairs that conduct pari-mutuel wagers to offer new wagers. Lifting restrictions on the number of types of wagers. Commissioner Timmons closed the hearing.

5. Other Business

Barry Norris stated as a member of the Sire Stakes Committee he would request a meeting in person at the Deering Building. Mr. Jennings didn't think this is a Commission decision. Commissioner Kelley stated he agrees with Mr. Norris. AAG, Guay stated he thinks that during the public comment it was indicated that it would be helpful to have a live meeting of a trade group. The Commission nor the Department have any control over any trade association. He thinks it is appropriate and it has happened for the Commissions to say to give feedback to say that they need the trade group to give them good information and understand that the potential need to have a live meeting. Right now, state government does have limited access to buildings.

6. Public Comment

Diann Perkins stated she would like to give you something positive. She has just finished with the sire stakes horses being continued. They have 72, 2 year olds continued. They have 12 colt trotters, 13 filly trotters, 25 colt pacers, and 20 filly pacers. They have 60, 3 year olds continued. They have 9 filly trotters, 9 colt trotters, 25 colt pacers, and 18 filly pacers. In order to change any of Chapter 9, they have always had a membership meeting.

Commissioner McFarland stated the one public comment he would like to make was he came in when Mr. McErlean from Penn was speaking, and he listened to completely what he had to say. He listened to Mr. Sweeney speak about Chapter 13. He thinks Chapter 13 was his biggest concern, but however what they've done is they've updated what it's all about. It has the opportunity to expend the handles.

Mr. Jennings stated that written comments are due February 8, 2021 by 5:00 p.m.

Debbie Patterson stated that schooling horses is in Chapter 7, Section 6.

7. Schedule of Future Meetings

February 26, 2021

8. Adjourn

12:35 p.m.